

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Grandfathered Short-Spaced )  
FM Stations )

MM Docket No 96-120  
RM 7651

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COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS

I. INTRODUCTION AND SUMMARY

Here the National Association of Broadcasters ("NAB")<sup>1</sup> files its initial comments in response to the *Notice of Proposed Rule Making* in the above-captioned proceeding.<sup>2</sup> This proceeding considers a variety of possible changes in the Commission's rules. These potential rule changes would allow certain "grandfathered" (authorized prior to 1964) and now "short-spaced" FM broadcast stations to modify facilities and/or relocate transmitter sites. Under current regulations these facilities generally are barred from making any such improvements/changes

As the basis for this proceeding the Commission refers to a 1991 petition for rule making submitted by the consulting engineering firms of duTreil, Lundin & Rackley, Inc., Hatfield & Dawson and Cohen, Dippel & Everist.<sup>3</sup> Embodied in the petition were several

<sup>1</sup> NAB is a nonprofit, incorporated association of television and radio stations and networks which serves and represents the American broadcast industry.

<sup>2</sup> *Notice of Proposed Rule Making* in MM Docket No. 96-120 (FCC 96-236), released June 14, 1996.

<sup>3</sup> The petition was filed on February 1, 1991, and assigned file number RM-7651 by FCC Public Notice (Report No. 1839), released March 6, 1991.

recommendations for modifying the FM interference protection standards found in Section 73.213 of the Commission's Rules.

In comments filed April 8, 1991, NAB generally opposed the petitioners' request. The basis for the NAB comments was concern over increased interference -- to other FM stations and to the FM medium as a whole -- were the FCC to adopt petitioners' plan. NAB's comments reiterated the Association's long-standing view that the technical integrity of the broadcast media must be preserved and enhanced.

With full recognition of the generally negative position taken by NAB in our 1991 comments on RM-7651, and in light of the historical, technical foundation of these earlier comments, NAB believes there *may* be ways that *some* grandfathered FM stations could be allowed to modify facilities in a fashion that would not result in significant new interference nor would be at odds with related FCC policies applicable to such changes. On these issues, however, NAB believes it should reserve final judgment until all relevant technical facts have been discerned and evaluated.

The reasons for NAB's decision to give further review to these matters now are many. For one, there are new dynamics in the radio marketplace, brought about by the Commission's newly-revised ownership rules.<sup>4</sup> Under this revised regulatory regime, group owners and independent licensees have new reason to review their current facility status under FCC rules.

Moreover, it may be that improvements and refinements to radio receiver design do provide, in some cases, better rejection of second and third-adjacent channel

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<sup>4</sup> See Order (FCC 96-90), released March 8, 1996, see also Sections 202 (a) and 202 (b)(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104 110 Stat. 56 (1996).

interference that should be considered here.<sup>5</sup> These developments might form the basis for granting some relief for some grandfathered short-spaced stations. However, and this must be emphasized, NAB believes that examination of such receiver characteristics should be limited *only* to the possibility of a revised regulatory approach to *some* grandfathered, short-spaced FM stations, not to the FM medium as a whole.

With interference protection and the technical integrity of the FM band being prime considerations, NAB is commissioning an independent technical study designed to determine whether changes in the FCC's rules could meet the twin goals of: (1) affording new facility latitude to certain grandfathered, short-spaced FM stations; and (2) creating no increased interference to short-spaced co-channel, first, second or third- adjacent channel stations.

Because of the importance of these issues and the need for such a technical assessment to be thorough and detailed -- and for it and other initial comments to be evaluated exhaustively by the NAB staff -- NAB is filing today a request for an additional complement of time for the completion of this study and the preparation and submission of NAB's reply comments in this proceeding. In a "Motion for Extension of Time in Reply Comment Deadline," NAB is urging the Commission to grant a 60-day extension in the time for filing reply comments in this proceeding. With such additional time for the development and submission of reply comments, we believe the Commission will be given a more thorough technical and factual foundation upon which to base a decision.

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<sup>5</sup> To be sure, the Commission's *Notice* explores matters other than just the "second and third-adjacent channel" situation. However, at this time NAB is of the view that this area is where there is the greatest possibility of developing a plan that affords relief to grandfathered short-spaced stations yet still conforms to the requirement that interference levels not be increased.


## CONCLUSION

For the reasons stated above, NAB believes there is reason to explore further *some* of the concepts embodied in the Commission's *Notice*. However, we further believe that more technical information must be developed prior to the time that NAB and the Commission will be able to develop a rational and technically-based decision. For these reasons, and if there is the grant of additional time for the filing of reply comments, NAB will be supplementing the record with a reply comment filing that will, among other things, convey the results and analysis of an independent technical assessment of the matters involved in this proceeding.

Respectfully submitted,

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